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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

TITO DAVID VALDEZ, JR.,

Plaintiff - Appellant,

v.

JEANNE WOODFORD; et al.,

Defendants - Appellees,

and

W. J. HILL; et al.,

Defendants.

No. 07-16268

D.C. No. CV-05-04443-SI

MEMORANDUM^{*}

Appeal from the United States District Court
for the Northern District of California
Susan Yvonne Illston, District Judge, Presiding

Submitted December 17, 2008^{**}

^{*} This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

^{**} The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

Before: WALLACE, TROTT, and RYMER, Circuit Judges.

California state prisoner Tito David Valdez, Jr. appeals pro se from the district court's summary judgment in his 42 U.S.C. § 1983 action alleging constitutional violations in connection with restrictions on his right to visit with children due to his sex-offender convictions. We have jurisdiction under 28 U.S.C. § 1291. We review de novo, *Jett v. Penner*, 439 F.3d 1091, 1096 (9th Cir. 2006), and we affirm.

The district court properly granted summary judgment on Valdez's Equal Protection claim because the prior regulation limiting him to non-contact visits with minors was reasonably related to the legitimate penological interest of protecting minor visitors. *See Overton v. Bazzetta*, 539 U.S. 126, 133 (2003) (concluding that the protection of the public, including minor visitors, is a legitimate penological interest); *Turner v. Safley*, 482 U.S. 78, 89-91 (1987) (explaining factors to guide the determination of whether a prison regulation is reasonably related to a legitimate penological interest).

The district court properly dismissed Valdez's due process claim pursuant to 28 U.S.C. § 1915A because neither federal nor state law has created a protected interest in visitation. *See Barnett v. Centoni*, 31 F.3d 813, 817 (9th Cir. 1994) (per curiam) (holding that prisoners have no constitutional right to contact visitation);

15 Cal. Code Reg. §§ 3170, 3176.4 (providing discretion to prison officials in restricting visitation).

Valdez's remaining contentions are unpersuasive.

AFFIRMED.